

**REMARKS**

Claims 1, 4-8, 10 and 11 are pending in the present application. Claims 1, 4-8, 10 and 11 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kitagawa et al., U.S. Patent No. 6,297,904, in view of Carlsson et al., "Confocal Imaging for 3-D Digital Microscopy" in Applied Optics, Vol. 26(16), November 6, 1986, pp. 3232-3238.

Reconsideration of the application based on the remarks below is respectfully requested.

Rejection under 35 U.S.C. §103(a) to claims 1, 4-8, 10 and 11

Claims 1, 4-8, 10 and 11 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kitagawa et al., U.S. Patent No. 6,297,904, in view of Carlsson et al., "Confocal Imaging for 3-D Digital Microscopy" in Applied Optics, Vol. 26(16), November 6, 1986, pp. 3232-3238.

Kitagawa et al. describes an inverted confocal microscope in which a single observation optical path is directed to an eye piece at a binocular part of a trinocular barrel 51. See col. 13, lines 54-66.

Carlsson et al. describes a confocal scanning microscope. See Fig. 2.

Independent claims 1 and 7 of the present application recite an arrangement and a stereomicroscope, respectively, for visual and quantitative three-dimensional examination of specimens, including "a stereomicroscope that defines a first and a second observation beam path" (claim 1) and "a first and a second eyepiece, wherein the objective and the first and second eyepiece defines a first and a second observation beam path" (claim 7). It is respectfully submitted that neither Kitagawa et al. nor Carlsson et al. teach or suggest these features of claims 1 and 7. Neither Kitagawa et al. nor Carlsson et al. disclose a stereomicroscope having a first and a second observation beam path. Indeed, neither Kitagawa et al. nor Carlsson et al. having anything to do with a stereomicroscope. In contrast, the observation beam path of Kitagawa et al. is a single light beam which may be directed to "an eye piece ... arranged at a binocular part." See Kitagawa et al., col. 13, lines

62-65. Kitagawa et al. shows a single observation beam path which includes the binocular part and the image surface 7, and a detection beam path which includes the image surface 17 and a detector (CCD camera) 19. See Kitagawa et al. col. 13, line 13, through col. 14, line 11, and Fig. 12. Thus, Kitagawa et al. provides a detection beam path and only a single observation beam path. Only the single observation beam path is viewed in the binocular part.

It is respectfully submitted that the Kitagawa et al. device is not the same as, nor does it suggest, a stereomicroscope. As is known in the art, a stereomicroscope microscope, as recited in claims 1 and 7, has a separate optical channel for each eye, i.e., two distinct and identical observation beam paths, imaged by an objective onto a specimen. In a stereomicroscope, the image surface must be located at the same position in both observation beam paths. A 3-dimensional visual impression of the observed image is provided, as described in the present specification at page 1, lines 15-16. Kitagawa et al. merely describes a device with two eyepieces viewing down a single optical channel and objective. Kitagawa et al. thus provides only a 2-dimensional visual impression of the observed image.

The Carlsson et al. reference shows no observation beam path at all.

Because neither of Kitagawa et al. nor Carlsson et al. teach or suggest the above-recited features of claims 1 and 7, it is respectfully submitted that were these references to be combined, such a combination would not provide all the features of each of claims 1 and 7.

For at least the reasons stated above, withdrawal of the rejection of independent claims 1 and 7, as well as dependent claims 4-6, 8, 10 and 11, under 35 U.S.C. §103(a) based on Kitagawa et al. in view of Carlsson et al. is respectfully requested.

CONCLUSION

It is respectfully submitted that the application is now in condition for allowance.

Respectfully submitted,

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